

JAN 17 2007

Atty. Docket No. CQ10196  
PATENT APPLICATIONRESPONSE UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/981,735REMARKS

Claims 1-20 are all the claims pending in the application. None of the claims are being amended.

Telephonic Interview

Applicants thank the Examiner for courtesies extended to Applicants during Examiner's interview with Applicants' representative, which took place on December 18, 2006. During the interview, the Applicants' representative addressed the issue of the finality of the Office Action as well as prior art rejections. The Examiner indicated that he would check the finality issue with his supervisor. However, no agreement has been reached.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04. It is believed that no fee is necessary.

Finality of the Office Action

As was stated during the aforesaid interview, the finality of the instant Office Action is premature. Therefore, Applicants respectfully request the Examiner to withdraw the finality of the instant Office Action. Specifically, MPEP 706.07(a) states that under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). In the instant case, the Examiner introduced a new ground for rejection of claims 1-20, and no amendment of

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the claims has been made by Applicants in the previous response filed on September 25, 2006. Thus, in the instant Office Action, the Examiner has introduced a new ground for rejection that was neither necessitated by Applicants' amendment of the claims nor based on information submitted in an information disclosure statement and the finality of the instant Office Action is premature in accordance with MPEP 706.07(a).

Claims 1-4, 8-11, 15, 16 and 19-20

The Examiner has rejected claims 1-4, 8-11, 15, 16 and 19-20 as being allegedly unpatentable over Kamura (JP404097685A) in view of Ojala (WO/9819458) and Strubbe et al. (U.S. patent No. 6,850,265). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, none of the references cited by the Examiner teach or suggest displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on the sensed activity information, the stored object position information and the stored rule information. In addition, the applied references fail to teach or suggest the claimed storage device that stores object position information and rule information (claim 1) and the claimed stored object position information and rule information (claims 1, 8, 15-18).

In more detail, Kamura discloses a television conference system. The system of Kamura incorporates two cameras mounted on two turning bases, microphones, a talker detection section, a video switch, a detection section and a CODEC. The camera closest to the front of the talker detected by the talker detection section is directed towards the talker and the picture signal from that camera is selected. There is mention in Kamura of the claimed stored object position

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information and rule information as there is no mention of displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection. Thus, Kamura fails to teach the above claim limitations.

The second applied reference, Ojala, discloses a video conference equipment including a document presentation worktop, a camera arranged above the document presentation worktop, actuators such as electric motors for the camera, control means for the actuators, for example a computer, audio equipment for saving and producing sound, a telecommunication module for forwarding audio, data, and/or video information, and a display unit for displaying material filmed using the camera. According to Ojala, the camera is of a kind allowing both vertical and horizontal shooting, a personal display unit and camera are reserved for at least one conference participant, whereby the conference can be arranged in the manner of a normal conference as regards the seating of the participants. In addition, according to Ojala, the telecommunication module of the video conference equipment allows a data channel or a TCP/IP data channel or a corresponding data channel and the transmission of the MIDI signal of musical instruments as well as of signals controlling the pitch, intensity, duration, and manner of presentation of music synchronized with video images during a video conference connection.

Contrary to the Examiner's assertion, Ojala never discloses the claimed stored object position information and rule information. In the Office Action, the Examiner states that the aforesaid stored object position information is disclosed in figure 4 and at page 5, line 24 through page 6, line 2 of Ojala. In response Applicants respectfully submit that Applicants carefully examined the cited portions of Ojala but could not find the alleged teaching. Specifically, the

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positions 16 shown in figure 4 of Ojala are not object positions, but camera positions. Moreover, the paragraph at page 5, line 24 through page 6, line 2 of Ojala, pointed to by the Examiner, also does not contain any reference to the claimed stored object position information and rule information.

Moreover, Ojala fails to teach or suggest that the claimed displaying is performed based on the sensed activity information, the stored object position information and the stored rule information. In Ojala, the camera positions 16 are not displayed based on the sensed activity information, the stored object position information and the stored rule information. To the contrary, the camera positions 16 are displayed solely based on the user instruction. Ojala specifically teaches at page 5, lines 27-30: "when under mouse control, the camera is typically turned by moving the [user's] mouse into the desired direction and pressing the mouse the button... the desired camera position information is saved by taking the relevant video image 15 onto the icons 16." This the displayed selections 16 are determined in Ojala exclusively by the user. There is no even a hint in Ojala that the aforesaid selections are displayed based on the sensed activity information, the stored object position information and the stored rule information.

Finally, the third applied reference, Strubbe et al., is also totally devoid of the requisite teaching. Specifically, Strubbe et al. discloses a video processing system, which tracks a moving person or other object of interest using a combined audio-video tracking system. The audio-video tracking system of Strubbe et al. includes an audio locator, a video locator, and a set of rules for determining the manner in which settings of a camera are adjusted based on outputs of the audio

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locator and video locator. There is not teaching what so ever in Strubbe et al. of the claimed displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on the sensed activity information, the stored object position information and the stored rule information.

While Strubbe et al. does mention a set of rules, these rules determines the adjustment of camera settings (see Strubbe et al., col. 2, ln. 18-24). The rules of Strubbe et al. are not suitable for determining how to display at least one of a suggested camera selection and a suggested camera angle selection, as specifically recited in claims 1, 8, 15-18. In other words, neither Strubbe et al. nor Kamura or Ojala teach or suggest using the rules for displaying the aforesaid camera and camera angle selections.

Thus, none of the cited references taken singly or in combination, teach or suggest the claimed displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on the sensed activity information, the stored object position information and the stored rule information. In addition, the applied references fail to teach or suggest the claimed storage device that stores object position information and rule information (claim 1) and the claimed stored object position information and rule information (claims 1, 8, 15-18). In this regard, Applicants respectfully submits that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385,

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165 USPQ 494, 496 (CCPA 1970), see MPEP 2143.03. Therefore, claims 1, 8, 15 and 16 are not unpatentable over Kamura, Ojala and Strubbe et al.

Moreover, Applicants take an issue with Examiner's assertion at page 2, paragraph 2 of the Office Action that Kamura implicitly teaches displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on the sensed activity information, the stored object position information and the stored rule information. As the Examiner can clearly see, system of Kamura is automatic in selecting a camera and, therefore, no suggested camera selection and a suggested camera angle selection is produced. Moreover, as stated above, Kamura is devoid of the claimed stored object position information and the stored rule information.

Finally, Applicants respectfully submit that Ojala is not properly combinable with Kamura and Strubbe et al. Specifically, Kamura and Strubbe et al. teach a system wherein the camera selection is automatic, while Ojala relies on a manual selection, which is an entirely different principle. Therefore, combining Ojala with Kamura and Strubbe would entirely change the principle of operation of the system disclosed in that reference. As the examiner is aware, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP 2143.01. Thus claims 1, 8, 15 and 16 are patentable for this additional reason as well.

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With respect to the rejection of dependent claims 2-4, 9-11 and 19-20, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1 and 8.

Claims 5-6, 12-13 and 17

The Examiner has rejected claims 5-6, 12-13 and 17 as being allegedly unpatentable over Kamura (JP404097685A) in view of Ojala (WO/9819458) and Strubbe et al. (U.S. patent No. 6,850,265) and further in view of Kikuchi et al. (JP363142779). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, with respect to independent claim 17, Applicants respectfully submit that Kikuchi et al. fails to remedy the above-enumerated deficiencies of Kamura, Ojala and Strubbe et al. and that the above patentability arguments made by Applicants with respect to claims 1, 8, 15 and 16 are equally applicable to claim 17 as well. Specifically, Kamura, Ojala, Strubbe et al. or Kikuchi et al., taken singly or in combination, teach or suggest the claimed displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on determined sensed activity information, stored object position information and stored rule information. Thus, claim 17 is patentable.

With respect to the rejection of dependent claims 5-6 and 12-13, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner

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in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1 and 8.

Claims 7, 14 and 18

The Examiner has rejected claims 7, 14 and 18 as being allegedly unpatentable over Kamura (JP404097685A) in view of Ojala (WO/9819458) and Strubbe et al. (U.S. patent No. 6,850,265) and further in view of Kishimoto (JP410282564A). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, with respect to independent claim 18, Applicants respectfully submit that Kishimoto fails to remedy the above-enumerated deficiencies of Kamura, Ojala and Strubbe et al. and that the above patentability arguments made by Applicants with respect to claims 1, 8, 15 and 16 are equally applicable to claim 18 as well. Specifically, Kamura, Ojala, Strubbe et al. or Kishimoto, taken singly or in combination, teach or suggest the claimed displaying, for selection, at least one of a suggested camera selection and a suggested camera angle selection based on determined sensed activity information, stored object position information and stored rule information. Thus, claim 18 is patentable.

With respect to the rejection of dependent claims 7 and 14, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1 and 8.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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MOUNTAIN VIEW OFFICE


23493

CUSTOMER NUMBER

Date: January 17, 2007

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this RESPONSE UNDER 37 C.F.R. § 1.116 is being facsimile transmitted to the U.S. Patent and Trademark Office this 17th day of January, 2007.

  
Monica Moreno